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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 LUIS AVALOS,
13 aka "Luis Osegueda Avalos,"
14 aka "Luis Avalos-Osegueda,"
15 aka "Luis Joel Avalos,"

16 Defendant.

2:23-CR-208-APG-DJA

Preliminary Order of Forfeiture

17 This Court finds Luis Avalos, aka "Luis Osegueda Avalos," aka "Luis Avalos-
18 Osegueda," aka "Luis Joel Avalos," pled guilty to Counts One and Two of a Two-Count
19 Criminal Information charging him in Count One with deported alien found in the United
20 States in violation of 8 U.S.C. § 1326(a) and in Count Two with felon in possession of a
21 firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Information, ECF No. 53; Plea
22 Agreement, ECF No. 55; Arraignment & Plea, ECF No. 57.

23 This Court finds Luis Avalos, aka "Luis Osegueda Avalos," aka "Luis Avalos-
24 Osegueda," aka "Luis Joel Avalos," agreed to the forfeiture of the property set forth in the
25 Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal
26 Information, ECF No. 53; Plea Agreement, ECF No. 55; Arraignment & Plea, ECF No. 57.

27 This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of
28 America has shown the requisite nexus between property set forth in the Plea Agreement
and the Forfeiture Allegation of the Criminal Information and Count Two, to which Luis

Avalos, aka "Luis Osegueda Avalos," aka "Luis Avalos-Osegueda," aka "Luis Joel Avalos," pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture under 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. Springfield Armory Smith and Wesson 1911 handgun, bearing serial number #BAW5099; and
 2. any and all compatible ammunition
- (all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Luis Avalos, aka "Luis Osegueda Avalos," aka "Luis Avalos-Osegueda," aka "Luis Joel Avalos," in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the times under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).

Notice is served on any individual or entity on the date when it is placed in the mail,

delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P. 32.2(b)(6)(D) and Supplemental Rule G(4)(b)(iii)-(v).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who claims an interest in the forfeited property must file a petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C. § 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, within thirty (30) days of the final publication of notice on the official internet government forfeiture site, www.forfeiture.gov, or his receipt of written notice, whichever is earlier.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth
Assistant United States Attorney
Misty L. Dante
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED May 14, 2024, 2024.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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